

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SHUNTAYE CHARLES CRENSHAW,

Petitioner,

Case No. 21-cv-0484-bhl

v.

DYLON RADTKE,

Respondent.

ORDER TO SHOW CAUSE

On July 20, 2021, the Court granted Petitioner Shuntaye Charles Crenshaw's request to stay his habeas petition while he attempted to exhaust state-court remedies with respect to some of his claims. (ECF No. 4.) After a series of extensions, the Court ordered Crenshaw to commence proceedings in state court by December 9, 2021. (ECF No. 12 at 3.) He complied. (ECF No. 13.) Since that time, the Court has requested—and Crenshaw has provided—regular reports on the status of his exhaustion efforts. (ECF Nos. 14, 15, 18, 19, 20, 21, 26, 28, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40.) On July 3, 2024, the Court ordered Crenshaw to show cause for his failure to timely file the required status report. (ECF No. 41.) Crenshaw responded on July 18, 2024, blaming his tardiness on a new mail distribution policy at Green Bay Correctional Institute. (ECF No. 42.) He reported that his appeal had been submitted on briefs and he was awaiting a decision from the Wisconsin Court of Appeals. (*Id.*) On July 19, 2024, the Court accepted Crenshaw's explanation and continued the stay, directing Crenshaw to provide another status report within the earlier of ninety days from the date of the order or thirty days from the date of any final resolution of Crenshaw's state-court proceedings. (ECF No. 43.)

More than 90 days have now passed since the Court's prior order and Crenshaw has not filed the Court-ordered status report. In fact, his status report is now a full month overdue. This is the fourth time Crenshaw has failed to timely update the Court on the status of his state proceedings. (*See* ECF Nos. 24, 36, 41.) The Court will order Crenshaw to show cause in writing why he has again failed to file a status report as ordered by the Court. Accordingly, within 14 days

of this order, or no later than **December 6, 2024**, Crenshaw must file the overdue status report along with a written explanation for his failure to file the status report in a timely fashion. He should also indicate whether he wishes to proceed with his case. If he does not file a timely response to this Order, the Court will construe his silence as abandonment and dismiss the case for failure to prosecute. *See Ball v. City of Chicago*, 2 F.3d 752, 755–56 (7th Cir. 1993).

Accordingly,

IT IS HEREBY ORDERED that on or before **December 6, 2024**, Crenshaw shall file a status report along with a written explanation for his failure to file a status report in a timely fashion. Crenshaw should also indicate if he wishes to proceed with his case. Failure to comply with this directive will result in dismissal for failure to prosecute.

Dated at Milwaukee, Wisconsin on November 22, 2024.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge